

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MSC.SOFTWARE CORPORATION,

Plaintiff(s),

**CASE NUMBER: 07-12807
HONORABLE VICTORIA A. ROBERTS**

v.

**ALTAIR ENGINEERING, INC., MARC
KLINGER, ANDREA PERTOSA, STEPHAN
KOERNER, TOM RIEDEMAN, RAJIV RAMPALLI
MARK KRUEGER, and MICHAEL HOFFMAN,**

Defendant(s).

ORDER

On June 10, 2008, Magistrate Judge Mona K. Majzoub entered an Opinion and Order Granting in Part and Denying in Part the Individual Defendants' Motion to Compel and Granting in Part and Denying in Part Altair's motion to Compel. The Magistrate Judge adopted the parties' Agreement Regarding Copying or Dissemination of Source Code. MSC filed objections.

On November 9, 2009, MSC filed a "Motion to Require Production of Supplemental Repository and Development Materials." (Doc. #395).

The Court referred MSC's objections and motion to Special Master Hollaar.

On January 11, 2010, Special Master Hollaar recommended the Court DENY MSC's motion and its objections.

On February 1, 2010, MSC filed "Objections to Special Master Hollaar's January 11, 2010 Report and Recommendation."

On February 2, 2010, the Court struck MSC's objections as untimely, and adopted Special Master Hollaar's recommendation.

Before the Court is MSC's "Motion for Reconsideration of and/or Relief from Order Adopting Special Master Hollaar's Report and Recommendations or, in the Alternative, for Enlargement of Time to File Objections." (Doc. #454).

Fed. R. Civ. P. 60(b)(1) says: "On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect." "In exercising its discretion under Rule 60(b), this court may consider applicable principles of equity." *Whitaker v. Associated Credit Services, Inc.*, 946 F.2d 1222, 1224 (6th Cir. 1991).

The Court **GRANTS** MSC's motion. While a determination of MSC's objections on the merits may not change Special Master Hollaar's recommendations, a determination on the merits is favored. In addition, MSC's objections were not significantly late, the untimeliness of MSC's objections was not due to bad faith, and the delay does not have a significant impact on the proceedings.

The Court will consider MSC's February 1, 2010 objections. Defendants have until **July 12, 2010** to file a response, and MSC has until **July 16, 2010** to reply.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 7, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 7, 2010.

s/Linda Vertriest _____
Deputy Clerk